

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 11, 1993
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:08 p.m.
The meeting was adjourned by Deputy Mayor Behr at 6:23 p.m. to
meet in Closed Session on Tuesday, October 12, 1993, at 9:00 a.m.
in the twelfth floor conference room to discuss pending
litigation, initiating litigation and the amendment to the lease
with Braemar Partnership for the Catamaran Pier.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-present
(3) Council Member Hartley-present
(4) Council Member Stevens-present
(5) Council Member Behr-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour/Fishkin (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-present
(3) Council Member Hartley-not present

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- (4) Council Member Stevens-present
- (5) Council Member Behr-not present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Bishop Gethin B. Hughes of the
Episcopal Diocese of San Diego.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Wolfsheimer.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Darlene Davis regarding the upcoming City MTDB
Paratransit Taxi Contract.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A055-082.)

ITEM-PC-2:

Comment by Don Stillwell regarding total slavery.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A083-109.)

ITEM-PC-3:

Comment by Bob Doyle regarding the Smoking Ordinance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A110-127.)

ITEM-PC-4:

Comment by Mark Hannon encouraging everyone to attend the lighting of the North Park Sign on October 13, 1993, 5:00 p.m. to 7:00 p.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A129-164.)

ITEM-PC-5:

Comment by Rosalind Winstead regarding the MBE/WBE Program injunction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A167-198.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Vargas encouraging everyone to attend the Festibella Italian Festival next year.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A368-380.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

09/20/93 Adjourned

09/21/93 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A221-228.)

MOTION BY STALLINGS TO APPROVE. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: PRESENTED

Special presentation to the Mayor and Council by the San Diego Junior Chamber of Commerce, acknowledging the City's participation in America's Finest City Week.

(Docketed at Mayor Golding's request.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A203-220.)

ITEM-32:

SUBJECT: Skyline Hills Community Association Day.

COUNCILMEMBER STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-94-462) ADOPTED AS RESOLUTION R-282743

Commending the Skyline Hills Community Association for their hard work and persistence in helping to "Take Back Our Neighborhood";

Proclaiming October 11, 1993 to be "Skyline Hills Community Association Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A229-336.)

MOTION BY McCARTY TO ADOPT ITEMS 32 AND 33. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33:

SUBJECT: Breast Cancer Awareness Month.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-94-508) ADOPTED AS RESOLUTION R-282744

Declaring October 1993 as "Breast Cancer Awareness Month" in San Diego, in order to heighten public awareness about breast cancer, including the need to re-double efforts to prevent and cure this disease;

Declaring October 19, 1993, as "Breast Exam and Mammography Awareness Day" in order to recognize that, to date, breast exam and mammography are still the primary methods of breast cancer detection available to women, and that, therefore, all women should perform monthly breast self-exams, women over 50 should have regularly scheduled mammogram every year, and women ages 40 to 49 should consult about mammogram with their health care providers;

Emphasizing that the public education efforts conducted during the month of October should be part of an ongoing, year-round effort to raise public awareness across the State;

Recognizing that while early detection through routine mammogram, clinical exam, and breast self-exam is important, the only effective means of protecting women against breast cancer is to make breast cancer research a priority and fund critically needed research into the cause, cure and prevention of breast cancer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A268-336.)

MOTION BY McCARTY TO ADOPT ITEMS 32 AND 33. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Graffiti Abatement Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 9/27/93 (Council voted 6-0. Districts 2, 3, and 5 not present):

(O-94-23 Cor. Copy) ADOPTED AS ORDINANCE O-17996
(New Series)

Amending Chapter V, Article 4, Division 4, of the San Diego Municipal Code by adding Section 54.0412, relating to Graffiti Abatement Procedures, to:

1) Require not less than 8 and not more than 80 hours of community service from any juvenile convicted of painting graffiti; and 2) Require one parent or legal guardian to be present for at least half of the hours served.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Revisions to Civil Service Rules IX and X.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on
9/28/93 (Council voted 8-0, Mayor Golding not present):

(O-94-1) ADOPTED AS ORDINANCE O-17994 (New Series)

Amending Chapter II, Article 3, Divisions 10 and 11 of
the San Diego Municipal Code (Civil Service Rules IX
and X) by amending Sections 23.1001, 23.1103(c) and
23.1110, relating to Transfer, Annual Leave, and Court
Leave.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND
ADOPT ORDINANCE. Second by Wolfsheimer. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-52:

SUBJECT: Revision to Civil Service Rule XI, Section 3.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on
9/28/93 (Council voted 8-0. Mayor not present):

(O-94-30) ADOPTED AS ORDINANCE O-17995 (New Series)

Amending Chapter 11, Article 3, Division 11 of the San Diego
Municipal Code, by amending Section 23.1203, relating to
Cause for Removal or Suspension.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Awarding a Contract for Tires and Tubes.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-295) ADOPTED AS RESOLUTION R-282745

Awarding a contract to Parkhouse Tire Inc. for furnishing tires and tubes, as may be required for a period of one year beginning September 1, 1993 through August 31, 1994, for a total estimated cost of \$554,806, including tax and terms. (BID-I3954/94)

FILE LOCATION: CONT - Purchase - Parkhouse Tire Inc.
CONTFY94-1

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Awarding a Contract for Blank and Lethal Ammunition.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-297) ADOPTED AS RESOLUTION R-282746

Awarding a contract to Lathrop's Shooters Supply, Inc. for furnishing blank and lethal ammunition, as may be required for a period of one year beginning September

1, 1993 through August 31, 1994, for a total estimated cost of \$48,512, including tax and terms, with an option to renew the contract for three additional one-year periods. (BID-I3958/94)

FILE LOCATION: CONT - Purchase - Lathrop's Shooters
Supply, Inc. CONFY94-1

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-102:

SUBJECT: Awarding Contracts for Asbestos Removal Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-298) ADOPTED AS RESOLUTION R-282747

Awarding contracts to Abatement Service Operations,
Inc. and Watkins Contracting, Inc., for furnishing
asbestos removal services, as may be required for a
period of one year, beginning June 1, 1993 through May
31, 1994, for a total estimated cost of \$150,000,
including terms, with options to renew the contracts
for four additional one year periods. (BID-F3825/93)

FILE LOCATION: CONT - Purchase - Abatement Service
Operations, Inc. and Watkins
Contracting, Inc. CONFY94-2

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-103:

SUBJECT: Awarding a contract for the construction of Canyonside Community Park Children's Play Area.

(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-435) ADOPTED AS RESOLUTION R-282748

Accepting the low base bid and awarding a contract to Castello, Inc. for Canyonside Community Park Children's Play Area, in the amount of \$58,500 which is 13 percent over the City's estimate of \$52,000;

Authorizing the transfer of \$8,000 from CIP-29-753.0, Canyonside Community Park - Development Phase III, Park View Estate - Other Park and Recreation Facilities Fund No. 392044 to CIP-29-754.0, Canyonside Community Park Children's Play Area;

Authorizing the additional expenditure of \$8,000 from CIP-29-754.0, Canyonside Community Park Children's Play Area, to supplement funds previously authorized by Resolution R-282079 for \$68,500, adopted on June 7, 1993;

Authorizing the Auditor and Comptroller, upon advice from the administering department to transfer excess budgeted funds, if any, to the appropriate reserves;

Stating for the record that the City Council has reviewed and considered the final environmental document as adopted by Resolution R-270215, adopted on January 25, 1988. (BID-K3863/93)

CITY MANAGER'S SUPPORTING INFORMATION:

Canyonside Community Park is a 43-acre multi-purpose facility located at 12350 Black Mountain Road adjacent to the Los Penasquitos Canyon Preserve.

Bids for the construction of a children's play area were received on July 9, 1993. The low bid of \$58,500 was submitted by Castello, Inc. That bid is \$6,500 higher than the estimate of \$52,000. Additional project financing has been identified and acceptance of the low bid is recommended.

Aud. Cert. 9400257.

FILE LOCATION: CONT - Castello, Inc. CONTFY94-1

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-104:

SUBJECT: Inviting bids for Construction of Hillcrest Traffic
Signal Interconnect Section.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-347) ADOPTED AS RESOLUTION R-282749

Inviting bids for the Construction of Hillcrest Traffic
Signal Interconnect Section on Work Order No. 119993;

Authorizing a contract with the lowest responsible
bidder;

Authorizing the transfer of \$185,000 from CIP-68-008.0,
Traffic Signal Subsystems, Proposition "A" Fund 30300,
to CIP-62-291.0, Traffic Signal Subsystems - DIF
Funded;

Authorizing the expenditure of \$350,000 from
CIP-62-291.0, Traffic Signal Subsystems - DIF Funded,
(\$165,000 from Fund 79512 and \$185,000 from Fund 30300)
for providing funds for said project and related costs;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-K94052)

CITY MANAGER'S SUPPORTING INFORMATION:

This Capital Improvement Program project will coordinate the operation of 23 traffic signals on Robinson and University Avenues from First Avenue to Park Boulevard, Pennsylvania Avenue from First Avenue to Sixth Avenue, and the traffic signal at Park Boulevard and Polk Street. This coordination will provide for the orderly progression of vehicles on University Avenue, Robinson Avenue, Pennsylvania Avenue, and Park Boulevard, a distance of approximately 2.5 miles.

Aud. Cert. 9400286.

FILE LOCATION: W.O. 119993 CONT - Steiny and Company,
Inc. CONFY94-1

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-105:

SUBJECT: Approving Parcel Map W.O. No. 119988.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-459) ADOPTED AS RESOLUTION R-282750

Approving Parcel Map W.O. No. 119988, a division of Lot
5 of Eastgate Technology Park Unit No. 1, Map-10830.

Subitem-B: (R-94-460) ADOPTED AS RESOLUTION R-282751

Authorizing the Mayor and City Clerk to execute a
Certificate of Ownership consenting to the preparation
and recordation of the map.

Subitem-C: (R-94-461) ADOPTED AS RESOLUTION R-282752

Stating for the record that the information contained in Environmental Impact Report DEP-81-12-31 and Addendum No. 90-892, has been reviewed and considered by the Council.

FILE LOCATION: SUBD - Eastgate Technology Park, Unit 1,
Lot 5, div.

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Approving the final subdivision map of Carmel Mountain Ranch Unit 19.

(A 12-lot subdivision located on the east side of World Trade Drive and south of Highland Ranch Road. Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-487) ADOPTED AS RESOLUTION R-282753

Authorizing the execution of a Subdivision Improvement Agreement with Carmel Mountain Ranch, for the installation and completion of public improvements.

Subitem-B: (R-94-486) ADOPTED AS RESOLUTION R-282754

Approving the final map.

FILE LOCATION: SUBD - Carmel Mountain Ranch Unit 19
CONTFY94-1

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Construction of an Additional Section of the Bermuda Avenue Seawall.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-242) ADOPTED AS RESOLUTION R-282755

Granting the petition for the construction of a section of the Bermuda Avenue Seawall, under the provisions of the Improvement Act of 1911;

Directing the City Manager to prepare plans, drawings, typical cross-sections, profiles and specifications for the Bermuda Avenue Seawall, together with estimates of the costs and expenses and a description to be included in the assessment for the work and improvements.

CITY MANAGER SUPPORTING INFORMATION:

On June 15, 1992, Council adopted a resolution authorizing the City Manager to proceed with a City initiated project and call for bids to construct the Bermuda Avenue Seawall. The City received only two bids. Both of these bids were substantially higher than the original engineer's cost estimate for the project and the contract was not awarded. Subsequent to this process the City has received a petition from persons who own property adjacent to the proposed seawall project. These property owners have requested that an additional section of the Bermuda Avenue Seawall be constructed along their frontage and financed through the formation of an assessment district under the provisions of the Improvement Act of 1911. This Act provides owners a means to receive certain public improvements with the cost assessed to the benefitting properties. The proposed public improvements to be provided through 1911 Act proceedings consist of the construction of a section of seawall and landscaping along the frontage of property to be included in the proposed district. The petition for this improvement was signed by the owners of 74.7 percent of

the property area involved. Council Policy 800-3, entitled "Assessment Procedures," requires that the owners of a minimum of 67 percent of the parcel area sign the petition in order for it to be accepted. This additional section of seawall will be designed and included with the City portion of the wall for bidding purposes, however, the two projects will be bid as separate items. It is recommended that the petition be accepted.

FILE LOCATION: STRT D-2296

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: La Jolla Shores Drive (Calle Frescota to Ruelle Monte Carlo) Underground Utility District.

(La Jolla Shores Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-475) ADOPTED AS RESOLUTION R-282756

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of the La Jolla Shores Drive (Calle Frescota to Ruelle Monte Carlo) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district will underground the overhead utility facilities on La Jolla Shores Drive between Calle Frescota and Ruelle Monte Carlo. This is a scheduled project in the calendar year 1992 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities.

Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9400279.

FILE LOCATION: STRT K-218

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Results of the Municipal Primary Election.

(Districts-1,3,5,7 & 8.)

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-94-522) ADOPTED AS RESOLUTION R-282757

Declaring the results of the Municipal Primary Election and the Special Municipal Primary Election held in the City of San Diego, Council Districts 1,3,5,7 and 8, on Tuesday, September 21, 1993.

CITY CLERK SUPPORTING INFORMATION:

The Municipal Primary and Special Municipal Primary Election were held September 21, 1993, for the purpose of nominating candidates in Council Districts 1,3,5,7 and 8. The results of this election have been certified by the Registrar of Voters and the City Clerk and are now being certified to the City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by

Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-110:

SUBJECT: Two actions related to Clean Water Act Grant Assistance
in the Encanto Trunk Sewer Replacement Project.

(Southeast San Diego Community Area. Districts-4 and
8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-489) ADOPTED AS RESOLUTION R-282758

Accepting a Clean Water Act Grant in the amount of
\$3,514,499 for the Encanto Trunk Sewer Replacement
Project.

Subitem-B: (R-94-490) ADOPTED AS RESOLUTION R-282759

Stating for the record that the City Council has
reviewed and considered the information in
Environmental Impact Report DEP-90-0788 and Mitigation
Monitoring and Reporting Program in connection with the
Encanto Trunk Sewer Replacement Project.

CITY MANAGER SUPPORTING INFORMATION:

The existing trunk sewer was constructed in 1929. It extends
approximately 27,300 feet from Imperial Avenue at the Lemon Grove
City limits to Interstate 5 and Beta Street in San Diego. Due to
the deterioration of the existing pipe and the inadequate size of
the pipe to carry current and future flows, that portion of the
Encanto Trunk Sewer, approximately 16,500 feet, that flows from
the Euclid Trolley Station in a generally southwest direction
under Interstates 805 and 5 to the intersection of Main Street
and Siva Street has been tentatively agreed upon for replacement
under a federal consent decree order. Deadline for construction
completion is December 31, 1994.

Base bid construction cost is \$6,390,000. This project qualified
for federal grant funding under the special coastal cities
appropriation. The Water Utilities Department applied for

Coastal City Program grant funding for 55 percent of the construction or \$3,514,499. On August 31, the City received official notification from the Environmental Protection Agency that the grant is awarded to the project.

WU-U-94-037.

FILE LOCATION: WATER - Clean Water Act Grant - Encanto
Trunk Sewer Replacement Project

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-111:

SUBJECT: Two actions related to National Trails Act Program for
the Florida Canyon Urban Trail System Project.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-412) ADOPTED AS RESOLUTION R-282760

Approving the application for grant funds under the
National Recreational Trails Funds Act for the Florida
Canyon Trail Project.

Subitem-B: (R-94-413) ADOPTED AS RESOLUTION R-282761

Stating for the record that the information contained
in the final Environmental Impact Report Addendum
DEP-92-0138 and the Mitigation, Monitoring and
Reporting Program, which was previously adopted by
Resolution R-281751 on April 13, 1993, has been
reviewed and considered by Council in connection with
the grant application.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-112:

SUBJECT: Rent Credit - Mt. Royal Nursery in San Pasqual Valley.

(See City Manager Report CMR-93-258. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-315) ADOPTED AS RESOLUTION R-282762

Authorizing the City Manager to issue a rent credit in
the amount of \$64,000 to Mt. Royal Nursery, d.b.a.
Evergreen Distributors, Inc.

FILE LOCATION: LEAS - Mt. Royal Nursery, d.b.a.
Evergreen Distributors, Inc.

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-113:

SUBJECT: Excusing Councilmember Tom Behr from attending the
9/13/93 Council meeting.

COUNCILMEMBER BEHR'S RECOMMENDATION:

Adopt the following resolution:

(R-94-463) ADOPTED AS RESOLUTION R-282763

Excusing Councilmember Tom Behr from attending the regularly scheduled Council meeting of Monday, September 13, 1993, to attend to personal matters.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: Excusing Councilmember Valerie Stallings from attending the 10/4/93 and 10/5/93 Council meetings.

COUNCILMEMBER STALLINGS' RECOMMENDATION:

Adopt the following resolution:

(R-94-474) ADOPTED AS RESOLUTION R-282764

Excusing Councilmember Valerie Stallings from attending the regularly scheduled Council meetings of October 4 and 5, 1993, due to out of town City business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-115:

SUBJECT: Balboa Park/Mission Bay Park CIP Phase IB Certificates of Participation Issuance.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-488) ADOPTED AS RESOLUTION R-282765

Approving the execution and delivery of 1993
Certificates of Participation for the Balboa Park and
Mission Bay Park Capital Improvement Program, Phase IB
in an amount not to exceed \$30,000,000;

Authorizing the City Manager or his authorized
representative to conduct a public hearing regarding
the issuance of the Series 1993. Certificates in
accordance with the requirements of Section 147(f) of
the Internal Revenue Code.

CITY MANAGER'S SUPPORTING INFORMATION:

In August, 1993, the City Council authorized the issuance of
Certificates of Participation (COPs) in an amount not to exceed
\$30 million to fund the Balboa Park/Mission Bay Park Capital
Improvements Program, Phase IB. Certain improvements financed
with the issuance of these COPs will provide private benefits to
the non-profit, 501(c)3 organizations that occupy facilities in
Balboa Park. Under these circumstances, IRS Code Section 147(f)
requires that a public hearing be held prior to the issuance of
this indebtedness. On October 26, 1993, City staff will receive
competitive bids from bond underwriters for these bonds and will
recommend to the City Council award of the bonds to the lowest
true interest cost bid at the 10/26/93 meeting.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C476-F159.)

Motion by McCarty to adopt Item S404, approving the City
Manager's recommendations. Second by Stallings. No vote.

Substitute motion by Behr to: 1) Not proceed with issuance
of COP's, including the \$10.7 million for reconstruction of
the House of Charm; 2) Continue this particular item for
four weeks; and 3) Direct the Manager to specifically:

- a. Produce a plan for Council consideration which sites
the Hall of Champions in the House of Charm, rather
than in the Federal Building;
- b. Meet with the principals of the Birch Foundation to
ascertain whether their grant to the Hall of Champions
for rehabilitation of the Federal Building could be
applied instead to the House of Charm;

- c. Meet with the Children's Museum to ascertain exactly what financial and other requirements they would have if located permanently downtown, rather than in the House of Charm, due to their expression in writing that they now would prefer a permanent downtown site;
- d. Meet with all other interested museums regarding the changed circumstances of Balboa Park museum use and recommend a new plan of space allocation;
- e. During the time items a - d, above, are being considered, halt work on the proposed new downtown municipal gym.

Second by Roberts. No vote.

Motion by Behr to not proceed with issuance of COP's, including the \$10.7 million for reconstruction of the House of Charm and to continue this particular item to November 9, 1993. Second by Roberts. Failed. Yeas-2,3,4,5. Nays-1,6,7,8,M.

MOTION BY BEHR TO DIRECT THE CITY MANAGER TO:

- 1) MEET WITH THE CHILDREN'S MUSEUM TO ASCERTAIN EXACTLY WHAT FINANCIAL AND OTHER REQUIREMENTS THEY WOULD HAVE IF LOCATED PERMANENTLY DOWNTOWN, RATHER THAN IN THE HOUSE OF CHARM, DUE TO THEIR EXPRESSION IN WRITING THAT THEY NOW WOULD PREFER A PERMANENT DOWNTOWN SITE;
- 2) MEET WITH ALL OTHER INTERESTED MUSEUMS REGARDING THE CHANGED CIRCUMSTANCES OF BALBOA PARK MUSEUM USE AND RECOMMEND A NEW PLAN OF SPACE ALLOCATION;
- 3) MEET WITH THE HALL OF CHAMPIONS AND THE BIRCH FOUNDATION TO SEE HOW SITE SPECIFIC THE NATURE OF THE GRANT IS; AND
- 4) REEXAMINE THE COST OF THE RECONSTRUCTION OF THE BUILDING AND THE REHABILITATION OF THE BUILDING AND PROVIDE A BREAKDOWN OF THOSE COST IN A CITY MANAGER'S REPORT.

Second by Roberts. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY McCARTY TO ADOPT ITEM S404, APPROVING THE CITY MANAGER'S ORIGINAL RECOMMENDATION AND TO ADOPT ITEM 115. Second by Vargas. Passed by the following vote:
Wolfsheimer-yea, Roberts-nay, Hartley-nay, Stevens-nay, Behr-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-116: TRAILED TO TUESDAY, OCTOBER 12, 1993

SUBJECT: Amendment to Lease Agreement - Catamaran Pier.

(District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-468)

Authorizing the execution of an amendment to the lease with Braemar Partnership, to allow the leaseholder's interest in the Catamaran Pier in Mission Bay Park to be used as security for a loan.

CITY MANAGER SUPPORTING INFORMATION:

In December of 1992, Council approved a 10-year lease with Braemar Partnership, Anne L. Evans, general partner, for the Catamaran Pier which is located in the northwest corner of Mission Bay. The lease provides for beach rentals, boat storage and mooring for Catamaran Hotel guests and the public. Braemar Partnership, at the request of its lender, proposes to encumber the pier lease to provide additional security for a loan it obtained on the Catamaran Hotel. The pier lease needs to be amended to allow for the encumbrance. The Bahia Hotel was encumbered in July, also in conjunction with the loan on the Catamaran Hotel. (The Bahia Hotel is leased to Bahia Hotel Associates, Anne L. Evans, general partner, by the City.) As consideration for approval of the loan, the lessee agreed to pay the City an additional percentage rent of approximately \$50,000 for each year that the Bahia is encumbered.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A524-B053.)

ITEM-117:

SUBJECT: First Amendment to the Lease Agreement with Margaret Dell Barr for City-owned property at 945-51 Twelfth Avenue.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-458) ADOPTED AS RESOLUTION R-282766

Authorizing the execution of a first amendment to the Lease Agreement with Margaret Dell Barr (Popular Market), waiving a Consumer Price Index rent adjustment to reflect market conditions, and updating all other lease provisions to current City lease standards.

CITY MANAGER SUPPORTING INFORMATION:

City property at the southeast corner of 12th and Broadway has been leased to the Barr family since December 1977 to operate a grocery market. The lease is for 20 years and expires in December 1997. Barr subleases the market to Jesse Gonzalez. The market provides a vital service to disadvantaged residents in the area. The agreement required a rental adjustment based on Consumer Price Index increases in December, 1992, raising the monthly rent from \$3,511 to \$4,003. The lessee petitioned the City to rescind the increase, stating that it would force closure of the business.

A staff appraisal was done and it confirms that the fair market rent should be \$3,500 per month. The proposed amendment would set the rent at \$3,500 per month, retroactive to December 1992, with the next Consumer Price Index rental adjustment due in December 1995. It will also update other lease provisions pertaining to insurance, non-discrimination and equal opportunity employment requirements to reflect the current City lease standards. The rent paid by Barr in excess of \$3,500 per month will be credited against future rent payments.

FILE LOCATION: LEAS - Margaret Dell Barr (Popular Market) LEASFY94-1

COUNCIL ACTION: (Tape location: F522-573.)

MOTION BY STEVENS TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-not present.

* ITEM-118:

SUBJECT: Agreement with the East County Jewish Community Center
to provide an after school program.

(East San Diego Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-409) ADOPTED AS RESOLUTION R-282767

Authorizing the execution of an agreement with the East
County Jewish Community Center, to provide youth after
school services as part of the Neighborhood Pride and
Protection Program;

Authorizing the expenditure of not to exceed \$36,221
from Community Park and Recreation Division Fund No.
100.

CITY MANAGER SUPPORTING INFORMATION:

The Park and Recreation Department is proposing to contract with
the East County Jewish Community Center (ECJCC) to operate a
youth after school program in one high crime community within the
City as part of the Neighborhood Pride and Protection Program.
The ECJCC's Take C.H.A.R.G.E. Program format will be used in the
implementation of this program. The Take C.H.A.R.G.E. Program is
designed to reach youth between the ages of 5 and 12 and features
self-esteem components, anti-drug/gang education, as well as
wholesome recreation activities.

The Take C.H.A.R.G.E. Program will be conducted at the East
County Jewish Community Center located at 4079 54th Street. A
minimum of 35 children will be involved during the twelve month
program. Funding is available in FY '94 to continue the program
which began in mid-January. The program evaluation was positive
and the contract was extended into this fiscal year.

Aud. Cert. 9400250.

FILE LOCATION: MEET CONFY94-1

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-119:

SUBJECT: Lease Agreement - Neighborhood Service Center.

(Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-493) ADOPTED AS RESOLUTION R-282768

Authorizing an agreement with Panda Express Investment
Group, for office space at 1101-1109 30th Street for a
Neighborhood Service Center in District 8 at a yearly
rental of \$19,311.60;

Authorizing the expenditure of not to exceed \$12,874.40
from Fiscal Year 1994 CDBG Funds to cover rent from
November 1, 1993 to June 30, 1994.

CITY MANAGER SUPPORTING INFORMATION:

In March, the City Council approved the Manager's recommendation
to establish Neighborhood Service Centers in Council Districts
3,4,5 and 8 and allocated funds from FY'94 CDBG to cover leasing
expenses. The goal of the centers is to bring government closer
to the people, thereby making it more convenient and responsive
to the changing needs of San Diego and to the specialized needs
of communities.

The proposed location for the Neighborhood Service Center for
District 8 is in the Nestor Community. A summary of the proposed
lease is as follows:

USE: Proposed services include small business assistance,
building permit and code information, job announcements and
application, complaint resolution and additional services
tailored to the needs of the community.

LOCATION: 1101-1109 30th Street

RENT: \$1,609.80 per month (\$1.10 per sq. ft.) plus
utilities

COMMENCEMENT DATE: November 1, 1993 or upon issuance of a
certificate of occupancy
SIZE: 1463 square feet
TERM: One year term with an option for two additional
one-year periods

The location of this office is at a major intersection with good
visibility. The rental rate offered is competitive for this
area.

Aud. Certs. 9400351/9500001.

FILE LOCATION: LEAS - Panda Express Investment Group
LEASFY94-1

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-120:

SUBJECT: Reimbursement Agreements with Pardee Construction
Company.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-427) ADOPTED AS RESOLUTION R-282769

Authorizing the execution of five reimbursement
agreements with Pardee Construction Company, for
reimbursement from the Carmel Valley Facilities Benefit
Assessment (FBA) Fund 79002 for the following completed
projects in Del Mar Highlands Town Center:

1. Townsgate Drive 1/2 width street improvements
adjacent to the community park site;
2. Townsgate Drive 1/2 width street improvements
adjacent to the future park and ride facility;
3. Townsgate Drive 1/2 width street improvements
adjacent to the Carmel Valley Library;

4. Mass grading of the Carmel Valley Library site;
5. Sewer improvements to the Carmel Valley Library site;

Authorizing an increase not to exceed \$125,900 in CIP-29-625.0, Carmel Valley Community Park from Fund 79002, Carmel Valley FBA;

Authorizing an increase not to exceed \$192,416 in CIP-35-070.0, Carmel Valley Library from Fund 79002, Carmel Valley FBA;

Authorizing an increase not to exceed \$187,200 in CIP-52-355.0, Park and Ride Transportation Center from Fund 79002, Carmel Valley FBA;

Authorizing the expenditure of not to exceed \$125,900 from CIP-29-625.0, Carmel Valley Community Park Fund 79002, for providing funds for the design and construction of 1/2 width street improvement adjacent to the Community Park site;

Authorizing the expenditure of not to exceed \$192,416 from CIP-35-070.0, Carmel Valley Library, Fund 79002, for providing funds for the design and construction of 1/2 width street improvements adjacent to the library, rough grading of the site, and sewer facilities for the library;

Authorizing the expenditure of not to exceed \$187,200 from CIP-52-355.0, Park and Ride Transportation Center, Fund 79002, for providing funds for the design and construction of 1/2 width street improvements adjacent to the park and ride facility.

CITY MANAGER SUPPORTING INFORMATION:

Pardee Construction Company entered into a Subdivision Improvement Agreement with the City of San Diego for the installation and completion of public improvements in the Del Mar Highlands Town Center area of Carmel Valley. This development is located directly north of the community park, library and park and ride sites in Neighborhood 9. During the construction of the Town Center, Pardee Construction completed the full width improvements to Townsgate Drive as well as site grading and sewer improvements to the library site. Pardee Construction is seeking reimbursement for the costs associated with improvements required by City facilities completed by Pardee at the time of development of the Del Mar Highlands Town Center.

Aud. Cert. 9400241.

FILE LOCATION: STRT FB-8 CONFY94-5

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

ITEM-121:

SUBJECT: Annual Contract for Municipal Dispute Resolution -- FY
1994 (formerly the Environmental Mediation Program).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-410) ADOPTED AS AMENDED AS RESOLUTION R-282770

Authorizing the execution of an agreement with the
University of San Diego Law School to operate the
Center for Municipal Dispute Resolution to resolve
appropriate municipal disputes by using various dispute
resolution methods;

Authorizing the expenditure of not to exceed \$99,900
for Fiscal Year 1994, to the University of San Diego
Law School for purposes of the agreement for the
Neighborhood Code Compliance Account.

CITY MANAGER SUPPORTING INFORMATION:

This is the fourth consecutive year the University of San Diego
School of Law (USD) has provided the City with mediation and
public facilitation services. This agreement will establish the
nationally recognized Center for the Municipal Dispute Resolution
(CMDR) for Fiscal Year 1994. The current cost to the City's
General Fund for this year's contract is \$99,900. This
represents 91 percent of CMDR's overall program budget which will
be paid by the Neighborhood Code Compliance Department (NCCD).
Approximately \$2,686 paid to USD under the contract for Fiscal
Year 1993 has been carried forward by USD for the use of the
Center during Fiscal Year 1994.

Aud. Cert. 9400305.

FILE LOCATION: MEET CONFY94-1

COUNCIL ACTION: (Tape location: F409-521.)

MOTION BY HARTLEY TO ADOPT AS AMENDED TO DIRECT THE CITY MANAGER TO MEET WITH USD TO NEGOTIATE AND CREATE A PUBLIC MEDIATION STRATEGY, WHICH INCLUDES COST, IN THE EVENT THAT THIS COUNCIL WOULD LIKE TO USE THIS SERVICE FOR PUBLIC FACILITATION AND PUBLIC MEDIATION ON AN AS-NEEDED BASIS. AS FEES COME UP, NEGOTIATE INCREASING THE SCOPE OF THEIR CONTRACT WITH A PER UNIT COST. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-122: CONTINUED FOR 30 DAYS - DATE TO BE DETERMINED BY THE MAYOR

SUBJECT: Change Order No. 5 with Sim J. Harris Company for the improvement of Skyline Drive and Woodman Street.

(Northbay Terraces, Skyline, and South Encanto Community Areas. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-479)

Approving Change Order No. 5, with Sim J. Harris Company for the improvement of Skyline Drive and Woodman Street, increasing the contract price by \$251,984.80;

Authorizing the transfer of \$110,000 from CIP-68-008, Annual Allocation - Traffic Signal Subsystems, Fund No. 30300 to CIP-52-377.0, Skyline Drive from Valencia Parkway to Deerock Place;

Authorizing the transfer of \$90,000 from CIP-52-127, Annual Allocation - Safety All-Weather Walkways, Fund No. 30300 to CIP-52-377.0, Skyline Drive from Valencia Parkway to Deerock Place;

Authorizing the transfer of \$55,000 from CIP-52-320, Woodman Street - Skyline Drive to 1000 feet South of Skyline Drive, Fund No. 30300 to CIP-52-377.0, Skyline Drive from Valencia Parkway to Deerock Place;

Authorizing the expenditure of an amount not to exceed \$255,000 from CIP-52-377.0.

CITY MANAGER SUPPORTING INFORMATION:

On October 12, 1990, the City Council awarded a construction contract for \$582,234.40 to Sim J. Harris Company for the improvement of Skyline Drive from Valencia Parkway to Deerock Place, identified as CIP-52-377.0. This project did not include improvements of Woodman Street south of Skyline Drive because a private developer was obligated to do this work pursuant to a subdivision agreement. This private developer was found to be in default of his commitment to do the work, and the majority of the work was left uncompleted. A portion of Woodman Street improvement has since been completed under Change Order No. 3, leaving approximately 800 linear feet of improvement to fully complete this project. Change Order No. 5 will complete the improvement of Woodman Street south of Skyline Drive. The cost for Change Order No. 5 is \$251,984.80. Staff has been working with the San Diego Housing Commission and a Cost Recovery District will be processed to recover \$430,921 of the costs from them as they are in the process of purchasing and developing the adjacent site.

Aud. Cert. 9400290.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A401-B053.)

CONSENT MOTION BY STALLINGS TO CONTINUE THIS ITEM FOR 30 DAYS ON BEHALF OF COUNCIL MEMBER STEVENS TO HAVE FURTHER DISCUSSIONS WITH THE CITY MANAGER AND THE CONTRACTOR; DATE TO BE DETERMINED BY THE MAYOR. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Appointment to the Commission for Arts and Culture.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-496) ADOPTED AS RESOLUTION R-282771

Council confirmation of the appointment by the Mayor of Elizabeth Yamada, to serve as a member of the Commission for Arts and Culture, for a three-year term ending August 31, 1996, replacing Mario A. Torero, whose term has expired.

(See memorandum from Mayor Golding dated 9/29/93 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-124:

SUBJECT: Reappointment to the Human Relations Commission.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-494) ADOPTED AS RESOLUTION R-282772

Council confirmation of the reappointment by the Mayor of Randy R. Edmonds, to serve as a member of the Human Relations Commission, for a four-year term ending July 22, 1997.

(See memorandum from Mayor Golding dated 9/29/93 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-125:

SUBJECT: Reappointment to the Human Relations Commission.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-495) ADOPTED AS RESOLUTION R-282773

Council confirmation of the reappointment by the Mayor
of Myrna M. Zambrano, to serve as a member of the Human
Relations Commission, for a four-year term ending July
22, 1997.

(See memorandum from Mayor Golding dated 9/29/93 with
resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-126:

SUBJECT: Appointment to the Park and Recreation Board.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-498) ADOPTED AS RESOLUTION R-282774

Council confirmation of the appointment by the Mayor of Kathryn E. Karcher, to serve as a member of the Park and Recreation Board, for a term ending March 1, 1994, replacing Bonnie N. Reading, who has resigned.

(See memorandum from Mayor Golding dated 9/29/93 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-127:

SUBJECT: Appointment to the Wetlands Advisory Board.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-497) ADOPTED AS RESOLUTION R-282775

Council confirmation of the appointment by the Mayor of Craig K. Beam (Land Use Expert), to serve as a member of the Wetlands Advisory Board, for a term ending July 1, 1994, replacing Manuel Nieto, who has resigned.

(See memorandum from Mayor Golding dated 9/29/93 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-128:

SUBJECT: Appointments to the International Affairs Board.

(See memorandum from Mayor Golding dated September 29, 1993 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-501) ADOPTED AS RESOLUTION R-282776

Council confirmation of the following appointments by the Mayor to serve as members of the International Affairs Board, for terms ending March 1, 1994:

Elida Chavez (replacing Jose R. de la Garza, who has resigned)

Linda Noda Hobbs (replacing Marilyn H. Fowler, who has resigned)

Albert Williams (replacing Peter H. Flournoy, who has resigned)

Waiving Council Policy 000-13 regarding the City residency requirement for Linda Noda Hobbs.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150:

SUBJECT: Aggressive Solicitation.

(See City Manager Report CMR-93-247 and report from the City Attorney dated 8/3/93.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 8/4/93, PS&S voted 4-0 to recommend introduction of the following ordinance: (Councilmembers Wolfsheimer, Hartley, Stevens, and Vargas voted yea; Councilmember Roberts not present.)

(O-94-24 Cor. Copy) INTRODUCED, TO BE ADOPTED
OCTOBER 25, 1993

Amending Chapter V, Article 2, of the San Diego Municipal Code by adding a new Division 40 entitled "Aggressive Solicitation" and new Sections 52.4001, 52.4002, 52.4003, 52.4004, 52.4005, and 52.4006, to Prohibit Aggressive Solicitation.

COMMITTEE ACTION: Reviewed by PSS on 8/4/93. Recommendation to approve the proposed ordinance and recommend approval to the City Council. Districts 1,3,4 and 8 voted yea. District 2 not present.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B054-347.)

MOTION BY ROBERTS TO INTRODUCE THE ORDINANCE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Declaring a Continued State of Local Emergency.

(San Ysidro and Tijuana River Valley Community Areas.
District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-491) ADOPTED AS RESOLUTION R-282777

Declaring a continued state of emergency due to the escalated discharge of raw sewage from Tijuana, Mexico, and that the measures previously taken by the Council in Resolution R-282544 shall continue to have full force and effect.

CITY MANAGER SUPPORTING INFORMATION:

For over 50 years, renegade raw sewage flows from Tijuana Mexico have flowed across the international border in the Tijuana River into the United States. These flows have impacted the health and safety of San Diego residents. The permanent solution to this border situation is the construction of the proposed International Treatment Plant by the federal government. This plant is expected to be operational by 1998 and will treat raw sewage from Mexico. In the interim, until the international plant is constructed, the City in 1991, agreed to accept and treat 13 million gallons per day of Tijuana sewage in the Metropolitan Sewerage System. The amount of flow that the City can accept is limited due to the capacity of the emergency connection. Due to the increased water availability and usage in Tijuana, raw sewage flows in the Tijuana River have increased. These flows are beyond the capacity that can be handled by the Mexican treatment system and the emergency connection. These increased flows threaten the health, safety and welfare of the citizens of San Diego.

The declaration of emergency enacted on September 7, 1993 will enable the City to assist the state and federal agencies in expediting the treatment of this international sewage. The government code requires the local governing body to review a State of Emergency every fourteen days until the local emergency is declared terminated. This action requests the continuation of the State of Emergency declared by City Council on September 7, 1993.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B348-C111.)

MOTION BY VARGAS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Awarding a contract for furnishing official advertising.

(See City Manager Report CMR-93-293.)

(Continued from the meetings of July 26, 1993, Item 100, and September 13, 1993, Item 203; last continued at Councilmember Vargas' request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-93-1998) ADOPTED AS RESOLUTION R-282778

Awarding a contract to the San Diego Daily Transcript for furnishing official advertising, as may be required for a period of two years beginning August 1, 1993 through July 31, 1995, for an estimated cost of \$325,000, including terms, for a two-year contract period; designating the San Diego Daily Transcript as the City's official newspaper. (BID-I3870/93)

AND DIRECT THE MANAGER TO:

Establish a competitive bidding process for the selection of three "official" supplemental advertising newspapers for contracts in excess of \$100,000; and

Direct the Manager to develop R.F.P. language, along with proposed Council Policy and Administrative Regulation changes that govern this process.

FILE LOCATION: CONT - Purchase - San Diego Daily
Transcript CONFY94-1

COUNCIL ACTION: (Tape location: C112-475.)

MOTION BY STEVENS TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Motion by Stevens to direct the City Manager to: 1) Establish a competitive bidding process for the selection of three "official" supplemental advertising newspapers for contracts in excess of \$100,000; and 2) to develop R.F.P. language, along with proposed Council Policy and Administrative Regulation changes that govern this process. Second by Hartley. No vote.

SUBSTITUTE MOTION BY ROBERTS TO DIRECT THE CITY MANAGER TO DEVELOP A PROGRAM WITHIN THE BUDGET TO: 1) ESTABLISH A COMPETITIVE BIDDING PROCESS FOR THE SELECTION OF THREE "OFFICIAL" SUPPLEMENTAL ADVERTISING NEWSPAPERS FOR CONTRACTS IN EXCESS OF \$100,000; AND 2) TO DEVELOP R.F.P. LANGUAGE, ALONG WITH PROPOSED COUNCIL POLICY AND ADMINISTRATIVE REGULATION CHANGES THAT GOVERN THIS PROCESS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-nay, Stevens-nay, Behr-yea, Stallings-nay, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-202: RETURNED TO CITY MANAGER

SUBJECT: Inviting bids for Construction of La Jolla Boulevard Storm Drain - Phase 1.

(La Jolla Community Area. District-1.)

(Continued from the meeting of September 13, 1993, Item 111, at Councilmember Wolfsheimer's request, on behalf of the Community for review of the design and construction expenditures.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-13)

Inviting bids for the Construction of La Jolla Boulevard Storm Drain - Phase 1 on Work Order No. 119906;

Authorizing the execution of a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$250,390 from CIP-11-292.0, Fund 79514 (Developer Impact Fees);

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to 79514 Fund Balance. (BID-K94014)

CITY MANAGER SUPPORTING INFORMATION:

Capital Improvement Project CIP-11-292.0 provides for the design and construction of a storm drain system along La Jolla Boulevard between Playa del Sur and Palomar Avenues. The storm drain will be constructed in two phases.

Aud. Cert. 9400112.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A382-B053.)

CONSENT MOTION BY STALLINGS TO RETURN TO THE CITY MANAGER FOR FURTHER DISCUSSIONS WITH THE COMMUNITY. Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: TRAILED TO TUESDAY, OCTOBER 12, 1993

SUBJECT: Creation of The Centre for Organization Effectiveness.

(Continued from the meeting of September 27, 1993, Item 201, at Mayor Golding's request, to allow time for the City Manager to delineate in detail what part of this program is going to actually be a business, and what part is not, and how it will operate.)

(See City Manager Report CMR-93-275.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-396)

- 1) Authorizing the City Manager to establish The Centre for Organization Effectiveness for the purpose of developing, marketing, and distributing organization development, management development, training, and other products and services, which may include publishing related materials;
- 2) Authorizing the Auditor and Comptroller to establish The Centre for Organization Effectiveness Fund (The Centre Fund);

- 3(a) Authorizing the transfer of not to exceed \$75,000 from the Entrepreneurial Program and not to exceed \$15,000 from the Special Training Fund into The Centre Fund for the start up costs for this new venture;
- (b) Authorizing the appropriation of \$90,000 from the above two sources, plus any additional revenue, including interest, and receivables generated by The Centre, and any other monies received by The Centre for The Centre's Fiscal Year 1994 Budget;
- (c) Authorizing the Auditor and Comptroller to reimburse the Entrepreneurial Program for not to exceed \$75,000 and to reimburse the Special Training Fund for not to exceed \$15,000 from The Centre Fund by the end of Fiscal Year 1997 as follows: 1) an annual amount to be transferred from The Centre Fund to the Entrepreneurial Program and Special Training Fund, in an amount to be determined by the Financial Management Department; and 2) any excess carryover monies from the prior year including interest earned by The Centre Fund may be appropriated and expended for the purposes for which the Fund was created or, upon direction of the Financial Management Department, may be transferred by the Auditor and Comptroller to the General Fund;
- 4) Authorizing the City Manager to establish fees to charge for services provided by The Centre, as outlined in Attachment B of the City Manager's Report;
- 5) Authorizing the City Manager to execute contractual obligations for not to exceed \$50,000 per contract as necessary for The Centre to deliver services requested;
- 6) Authorizing the City Manager to apply for, accept and expend, and authorizing the Auditor and Comptroller to appropriate, grants and other contributions for The Centre.

Aud. Cert. 9400298.

FILE LOCATION:

COUNCIL ACTION: (Tape location: F409-412.)

ITEM-204: RETURNED TO CITY MANAGER

SUBJECT: San Diego Data Processing Corporation Management Audit.

(Continued from the meetings of June 1, 1993, Item 201, July 26, 1993, Item 203 and September 27, 1993, Item 202; last continued at the City Manager's request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-93-2186)

Accepting the City Manager's Informational Report (CMR-93-208) regarding the San Diego Data Processing Corporation Management Audit.

(See City Manager Reports CMR-93-208, CMR-93-156 and CMR-93-73.)

OTHER RECOMMENDATIONS:

CITY MANAGER'S RECOMMENDATIONS (CMR-93-156):

NOTE: The following recommendations (Nos. 1,2,3, and 4) were continued from June 1, 1993:

1. Accept the City Manager's recommendations (as contained in City Manager Report CMR-93-73) to implement changes in response to the management audit.
2. Retain the San Diego Data Processing Corporation as a non-profit corporation and evaluate services provided to determine if they can be better provided within the City's organization or through outplacement.
3. Adopt, in concept, the hybrid organizational structure outlined in City Manager Report CMR-93-156 which would bring some services back to the City of San Diego, solicit proposals for mainframe and network operations from the private sector, and retain software development in the San Diego Data Processing Corporation.
4. Direct the City Manager to report back to the City Council on a semi-annual basis regarding the implementation of the audit recommendations.

NOTE: The following recommendations (Nos. 5 and 6) were adopted by Council on 6/1/93:

5. Eliminate the current exclusivity clause within San Diego Data Processing Corporation's operating agreements.

6. Direct the City Manager to work with the San Diego Data Processing Corporation to develop an implementation plan for a \$1.0 million reduction in the San Diego Data Processing Corporation's budget. This reduction should have minimal operational impact on City of San Diego Departments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A341-367.)

MOTION BY McCARTY TO RETURN TO THE CITY MANAGER AT HIS REQUEST TO REVIEW ADDITIONAL INFORMATION RECEIVED REGARDING THE ANALYSIS OF THE BUDGET PARTICULARLY IN THE TELECOMMUNICATIONS AREA AND FOR REDOCKETING. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: RETURNED TO CITY MANAGER

SUBJECT: San Diego Data Processing Corporation's Fiscal Year 1994 Budget.

(Continued from the meeting of September 27, 1993, Item 203, at the City Manager's request, for further review.)

(See Memorandum from the City Manager dated 9/27/93.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-394)

Approving San Diego Data Processing Corporation's proposed FY 1994 Budget, pursuant to Section 3(a) of the Operating Agreement.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A341-367.)

MOTION BY McCARTY TO RETURN TO THE CITY MANAGER AT HIS REQUEST TO REVIEW ADDITIONAL INFORMATION RECEIVED REGARDING THE ANALYSIS OF THE BUDGET PARTICULARLY IN THE TELECOMMUNICATIONS AREA AND FOR REDOCKETING.

Second by Vargas. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-S400:

SUBJECT: League of California Cities Annual Conference.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-94-531) ADOPTED AS RESOLUTION R-282779

Designating Councilmember Juan Vargas as the City's
voting delegate and City Attorney John W. Witt as the
alternate delegate, at the League of California Cities
Annual Conference, October 16-19, 1993.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

* ITEM-S401:

SUBJECT: Application for a Grant from the State Earthquake and
Public Buildings Rehabilitation Act.

(District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-525) ADOPTED AS RESOLUTION R-282780

Authorizing the City Manager to apply for, accept, and expend a grant from the State Earthquake Safety and Public Buildings Rehabilitation Act of 1990 for the purpose of the reconstruction of Fire Station 11;

Certifying the City's ability to provide the required 25 percent funding and supplemental sums in the amount of \$1,318,753 to complete the project in a timely manner.

CITY MANAGER SUPPORTING INFORMATION:

The State Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 provides funding for the rehabilitation of unreinforced masonry buildings. Fire Station 11 has been identified as a building of this type. Because the original structure was built in 1913, reconstruction has been determined to be more effective than retrofitting as a solution. Reconstruction costs are estimated at \$1,890,000. The Seismic Programs Section of the Office of the State Architect has determined the San Diego Fire Department's project to be eligible for grant funding of 75 percent of the cost of retrofitting, estimated at \$750,000, under the State Earthquake Safety and Public Buildings Rehabilitation Act. Grant funds may be applied to the reconstruction costs. To secure these funds, the City must certify by resolution the application for funding, the acceptance of funds and the availability of supplemental funding for the completion of the project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S402:

SUBJECT: Privatization of Montgomery Field.

(See City Manager Report CMR-93-256. Kearny Mesa Community Area. District-6.)

(Continued from the meeting of October 4, 1993, Item 150, at Mayor Golding's request, on behalf of Councilmember Behr.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-316) ADOPTED AS RESOLUTION R-282781

Authorizing the City Manager to issue a Request for Qualifications to pursue private sector management (leasing) of Montgomery Field.

PUBLIC FACILITIES AND RECREATION COMMITTEE'S RECOMMENDATION:

On 9/8/93, PF&R voted 3-1 to accept the City Manager's recommendation to issue a Request for Qualifications and proceed with investigating the possibility of leasing Montgomery Field. (Councilmembers Behr, Stallings and McCarty voted yea; Councilmember Vargas voted nay; Councilmember Hartley not present.)

COMMITTEE ACTION: Reviewed by PFR on 9/8/93. Recommendation to accept the City Manager's recommendation to issue a Request for Qualifications and proceed with investigating the possibility of leasing Montgomery Field. Districts 5,6 and 7 voted yea. District 8 voted nay. District 3 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F163-240.)

MOTION BY BEHR TO ADOPT WITH THE UNDERSTANDING THAT WE DO NOT BACK OFF FROM THE STANDARDS THAT WE HAVE SET IN TERMS OF SAFETY AND NOISE CONTROL WHEN IT RELATES TO THE AREAS IN DISTRICTS 1, 5, 6 AND 7. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-S403:

SUBJECT: Consideration of nominees for appointment to the Mid-City Development Corporation Board of Directors to fill four vacancies.

(See memorandum from Mayor Golding dated 10/6/93 with resumes attached.)

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MAYOR GOLDING'S RECOMMENDATION:

Consider the following list of nominees and select four to fill vacancies on the Mid-City Development Corporation Board of Directors:

NOMINEE	NOMINATED BY
David Watson (Law)	Mayor Golding
Philip Tuan Nguyen (Finance)	Mayor Golding & Councilmembers Hartley & Stallings
Gary Evans (General Business)	Councilmember Hartley
Rodger Johnson (Finance)	Councilmember McCarty
Kitty Reed (Real Estate)	Councilmember Stevens

(R-94-543) ADOPTED AS RESOLUTION R-282782

Adoption of a Resolution making four appointments:
Three appointments for three-year terms ending August 10, 1996; and one appointment for a term ending August 10, 1994, to replace Ted N. Pendleton, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F241-408.)

The first ballot was taken, and Clerk Fishkin announced the tally for Round 1: Evans-8; Johnson-5; Nguyen-9; Reed-6; Watson-8.

MOTION BY COMMON CONSENT TO CONFIRM THE APPOINTMENTS OF PHILIP TUAN NGUYEN, GARY EVANS AND DAVID WATSON FOR THREE-YEAR TERMS ENDING AUGUST 10, 1996 AND KITTY REED FOR TERM ENDING AUGUST 10, 1994. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S404:

SUBJECT: Two actions related to the House of Charm Historic Reconstruction.

(Balboa Park Community Area. District-3.)

(Continued from the meeting of October 4, 1993, Item 201, at Councilmember McCarty's request, for a report from the City Manager and for full Council.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-237) ADOPTED AS RESOLUTION R-282783

Inviting bids for House of Charm Historic
Reconstruction on Work Order No. 119621;

Authorizing a contract with the lowest responsible
bidder contingent upon receipt of Balboa Park/Mission
Bay Park Certificates of Participation Phase 1B;

Authorizing the issuance of an Auditor's Certificate
and the subsequent expenditure of \$10,666,274 from
CIP-21-834.0, Balboa Park/Mission Bay Park
Requirements, upon deposit of Balboa Park/Mission Bay
Park Certificates of Participation Phase 1B proceeds
into the San Diego Facilities and Equipment Leasing
Corporation Construction Fund 91101. (BID-K94038)

Subitem-B: (R-94-238) ADOPTED AS RESOLUTION R-282784

Certifying that the information contained in
Environmental Impact Report DEP-92-0623 has been
completed in accordance with the California
Environmental Quality Act of 1970, as amended, and
State guidelines; and that the report reflects the
independent judgement of the City as Lead Agency and
that the information contained in the report, with
comments received during the public review process, has
been reviewed and considered by the Council in
connection with the approval of the House of Charm
Historic Restoration;

Adopting the Findings and Statement of Overriding
Considerations; Adopting the Mitigation Monitoring and
Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The adopted Balboa Park Master Plan identifies a project to
demolish and reconstruct the House of Charm. The new building
will occupy the same footprint and the exterior will faithfully
replicate the size, shape and ornamentation of the existing
building. The interior of the new building will contain two
basement levels and two levels above ground. By prior Council

action, the Children's Museum will be the principal tenant of the new Building. Ground floor and first basement space will be shared with the Art Institute. The Old Globe Theater will occupy the second basement as rehearsal space. The contractor will provide full construction services for complete demolition and reconstruction of the House of Charm and its arcades, including site improvement. The City funded project will provide the building shell. Individual tenants are responsible for tenant improvements.

Aud. Cert. 9400028.

FILE LOCATION: W.O. 119621 CONT - Soltek of San Diego
CONFY94-1

COUNCIL ACTION: (Tape location: C476-F159.)

Motion by McCarty to adopt the City Manager's recommendation. Second by Stallings. No vote.

Substitute motion by Behr to: 1) Not proceed with issuance of COP's, including the \$10.7 million for reconstruction of the House of Charm; 2) Continue this particular item for four weeks; and 3) Direct the Manager to specifically:

- a. Produce a plan for Council consideration which sites the Hall of Champions in the House of Charm, rather than in the Federal Building;
- b. Meet with the principals of the Birch Foundation to ascertain whether their grant to the Hall of Champions for rehabilitation of the Federal Building could be applied instead to the House of Charm;
- c. Meet with the Children's Museum to ascertain exactly what financial and other requirements they would have if located permanently downtown, rather than in the House of Charm, due to their expression in writing that they now would prefer a permanent downtown site;
- d. Meet with all other interested museums regarding the changed circumstances of Balboa Park museum use and recommend a new plan of space allocation;
- e. During the time items a - d, above, are being considered, halt work on the proposed new downtown municipal gym.

Second by Roberts. No vote.

Motion by Behr to not proceed with issuance of COP's, including the \$10.7 million for reconstruction of the House of Charm and to continue this particular item to November 9, 1993. Second by Roberts. Failed. Yeas-2,3,4,5. Nays-1,6,7,8,M.

MOTION BY BEHR TO DIRECT THE CITY MANAGER TO:

- 1) MEET WITH THE CHILDREN'S MUSEUM TO ASCERTAIN EXACTLY WHAT FINANCIAL AND OTHER REQUIREMENTS THEY WOULD HAVE IF LOCATED PERMANENTLY DOWNTOWN, RATHER THAN IN THE HOUSE OF CHARM, DUE TO THEIR EXPRESSION IN WRITING THAT THEY NOW WOULD PREFER A PERMANENT DOWNTOWN SITE;
- 2) MEET WITH ALL OTHER INTERESTED MUSEUMS REGARDING THE CHANGED CIRCUMSTANCES OF BALBOA PARK MUSEUM USE AND RECOMMEND A NEW PLAN OF SPACE ALLOCATION;
- 3) MEET WITH THE HALL OF CHAMPIONS AND THE BIRCH FOUNDATION TO SEE HOW SITE SPECIFIC THE NATURE OF THE GRANT IS; AND
- 4) REEXAMINE THE COST OF THE RECONSTRUCTION OF THE BUILDING AND THE REHABILITATION OF THE BUILDING AND PROVIDE A BREAKDOWN OF THOSE COST IN A CITY MANAGER'S REPORT.

Second by Roberts. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY McCARTY TO ADOPT ITEM S404, APPROVING THE CITY MANAGER'S ORIGINAL RECOMMENDATION AND TO ADOPT ITEM 115.
Second by Vargas. Passed by the following vote:
Wolfsheimer-yea, Roberts-nay, Hartley-nay, Stevens-nay, Behr-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S405:

SUBJECT: Drainage Easement Exchange - New Salem Street.

(Mira Mesa Community Area. District-5.)

(Continued from the meetings of September 27, 1993, Item 120, and October 4, 1993, Item S400; last continued at the City Manager's request, on behalf of Councilmember Behr.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-322) ADOPTED AS RESOLUTION R-282785

Accepting the deed of San Diego Unified School District of San Diego County, granting to the City a drainage easement in the Northeast Quarter of Section 36, Township 14 South, Range 3 West, San Bernardino Meridian;

Authorizing the execution of a quitclaim deed, quitclaiming to San Diego Unified School District all of the City's right, title and interest in the drainage easement in the Northeast Quarter of Section 36, Township 14 South, Range 3 West, San Bernardino Meridian.

FILE LOCATION: DEED F-6137 DEEDFY94-1

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S406:

SUBJECT: Amendment to Agreement with Linda Vista Community Development Corporation for Payment for Audits.

(Linda Vista Community Area. Districts-5 & 6.)

(Continued from the meeting of October 4, 1993, Item 117, at the request of Councilmember Vargas, on behalf of Councilmember Stallings.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-384) ADOPTED AS RESOLUTION R-282786

Authorizing the execution of an amendment to Agreement 3 with Linda Vista Community Development Corporation, for payment of bookkeeping and fiscal audit services;

Authorizing the expenditure of not to exceed \$15,000 from Fund No. 18528, Dept. 4030, Org. 3003, Job Order 000001 for this purpose.

Aud. Cert. 9400239.

FILE LOCATION: MEET CONTFY94-1

COUNCIL ACTION: (Tape location: A417-B053.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by
Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Behr at 6:23 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F597.)